

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ERNEST PAYTON, et al.,

Plaintiffs,

vs.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

Case No.: 1:24-cv-153

District Judge Jorge L. Alonso

Magistrate Judge Heather K. McShain

**JOINT STATUS REPORT**

In accordance with the Court's Order dated October 31, 2024 (D.E. 51), Plaintiffs and Union Pacific Railroad Company ("Union Pacific") submit this joint status report regarding the following issues:

**a) The progress of fact discovery:**

On June 19, 2024, Plaintiffs served Union Pacific with twelve sets of requests for production and interrogatories. On August 9, 2024, after requesting and receiving an agreed extension, Union Pacific served Plaintiffs with its responses and objections to those requests for production and interrogatories.

On September 13, 2024, Union Pacific served Plaintiffs with requests for production and interrogatories. After an agreed extension, Plaintiffs served their responses to Union Pacific's discovery requests on November 4, 2024. The parties have met and conferred regarding their respective discovery responses and are actively working to resolve any issues without Court assistance, if possible. The parties anticipate needing to conduct additional written and oral discovery.

The parties filed a joint motion for entry of a confidentiality order on November 14, 2024 (D.E. 52).

**b) The state of settlement discussions, if any:**

Plaintiffs made a settlement demand to Union Pacific on July 25, 2024, and Union Pacific responded on August 2, 2024. The parties have not engaged in additional settlement discussions.

**c) Any other matters the parties believe should be brought to the Court's attention:**

To allow the orderly completion of written and oral discovery, the parties intend to seek to a 90-day extension of the close of fact discovery, to March 6, 2025.

Dated: November 14, 2024

*Respectfully submitted,*

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MARCUS WRIGHT, DAVID UTI,  
JORGE SANTOYO, MAURICE  
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TONY JOHNSON,  
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/s/ David M. Bizar (with consent)

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UNION PACIFIC RAILROAD COMPANY

/s/ Johanna Spellman

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